

Docket No.: NHL-FMW-02A US(SCT)
Serial No.: 09/829,409
Customer No.: 00432

REMARKS

The Office Action dated May 20, 2004, indicated as being "FINAL" has been reviewed in detail and the application has been amended in the sincere effort to place the same in condition for allowance. Reconsideration of the claims of the application and allowance in their amended form are requested based on the following remarks.

Applicants retain the right to pursue broader claims under 35 U.S.C. §120.

Applicants have provided a unique solution with respect to problems regarding FLAT FLOAT GLASS. Applicants' solution is now claimed in a manner that satisfies the requirements of 35 U.S.C. §103.

New Issues:

It is submitted that no new issues have been raised by this amendment and that the amendments to the claims have correspondence to limitations in the claims presently on file.

Telephonic Interview:

The undersigned would like to sincerely thank Supervisory Patent

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Examiner Group and Examiner Bolden for the courtesies extended during a telephonic interview between the Examiners and the undersigned on July 21, 2004. During the telephonic interview, independent Claims 45, 53, 57, and 62 were primarily discussed. At that time, the undersigned pointed out that each of the independent claims recited platinum as a component, which distinguished over the applied prior art. The Examiners countered by stating that the claims as written did not set forth a lower limit for the amount of platinum, and thus, in their interpretation, the claims permitted platinum to be in a zero concentration.

The Examiners subsequently proposed that the language of the independent claims be amended to clearly state that the platinum concentration was non-zero, such as in the following phrase: "the concentration of said platinum is contained in a non-zero amount less than 300 parts per billion." In addition, the Examiners stated that the language relating to the concentrations of rhodium, zinc oxide, and tin dioxide would be interpreted similarly, and therefore should also be amended to recite a non-zero concentration for each of these components.

Although an official agreement was not reached between the Examiners and the undersigned, the Examiners indicated that the independent claims would receive favorable consideration if amended in accordance with the above suggestions. Accordingly, independent Claims 45, 53, 57, and 62 have been amended herein to include the language suggested by the Examiners, and it is therefore submitted that independent Claims 45, 53, 57, and 62, as well as the claims depending therefrom, are now allowable.

The telephonic interview is further summarized below in the section entitled "Recordation of the Substance of the Telephonic Interview."

Rejection Under 35 U.S.C. §102 in view of Gaskell:

Gaskell, as understood, discloses a method of manufacturing glass ceramic material utilizing molten glass floated on a tin bath of molten metal. Gaskell, as understood, does not discuss levels of concentration of platinum or rhodium in either the floated glass or the glass ceramic material manufactured from the floated glass. Gaskell further does not disclose the molten glass or glass ceramic as containing platinum or rhodium in a non-zero amount.

As discussed above, in accordance with the Examiners'

suggestion in the telephonic interview, each of independent Claims 45, 53, 57, and 62 recites platinum and rhodium in a concentration contained in a non-zero amount. It is therefore respectfully submitted that independent Claims 45, 53, 57, and 62 distinguish over Gaskell and are now allowable, as well as the claims depending therefrom.

In view of the above, reconsideration and withdrawal of the present rejection is respectfully requested.

Rejection Under 35 U.S.C. §102 in view of Krolla:

Krolla, as understood, discloses a transparent or translucent inorganic material, such as a glass-ceramic material, which can be used in glass-ceramic cook tops. The inorganic material has a particular glass composition as disclosed in the abstract and the examples of Krolla. Krolla, as understood, does not discuss levels of concentration of platinum, rhodium, or tin dioxide in the inorganic material. Krolla further does not disclose the inorganic material as containing platinum, rhodium, or tin dioxide in a non-zero amount.

As discussed above, in accordance with the Examiners' suggestion in the telephonic interview, each of independent Claims 45, 53, 57, and 62 recites platinum, rhodium, and tin dioxide in a concentration contained in a non-zero amount. It is therefore

respectfully submitted that independent Claims 45, 53, 57, and 62 distinguish over Krolla and are now allowable, as well as the claims depending therefrom.

In view of the above, reconsideration and withdrawal of the present rejection is respectfully requested.

Rejection Under 35 U.S.C. §102 in view of Comte:

Comte, as understood, discloses the preparation of transparent glass-ceramic articles which preferably exhibit a minimal distortion, especially glass-ceramic cook top plates. The composition of the glass is disclosed in the abstract and the examples of Comte. Comte, as understood, does not discuss levels of concentration of platinum, rhodium, or tin dioxide in the glass. Comte further does not disclose the glass as containing platinum, rhodium, or tin dioxide in a non-zero amount.

As discussed above, in accordance with the Examiners' suggestion in the telephonic interview, each of independent Claims 45, 53, 57, and 62 recites platinum, rhodium, and tin dioxide in a concentration contained in a non-zero amount. It is therefore respectfully submitted that independent Claims 45, 53, 57, and 62 distinguish over Comte and are now allowable, as well as the claims

depending therefrom.

In view of the above, reconsideration and withdrawal of the present rejection is respectfully requested.

Rejection Under 35 U.S.C. §102 in view of Shibuya:

Shibuya, as understood, discloses an infrared transparent glass ceramic article which can be used in glass ceramic cook tops. The glass used has a particular glass composition as disclosed in the abstract and the examples of Shibuya. Shibuya, as understood, does not discuss levels of concentration of platinum, rhodium, or tin dioxide in the glass. Shibuya further does not disclose the glass as containing platinum, rhodium, or tin dioxide in a non-zero amount.

As discussed above, in accordance with the Examiners' suggestion in the telephonic interview, each of independent Claims 45, 53, 57, and 62 recites platinum, rhodium, and tin dioxide in a concentration contained in a non-zero amount. It is therefore respectfully submitted that independent Claims 45, 53, 57, and 62 distinguish over Shibuya and are now allowable, as well as the claims depending therefrom.

In view of the above, reconsideration and withdrawal of the present rejection is respectfully requested.

Claim Objections:

Claims 48 and 58 were objected to by the Examiner as containing typographical errors. Claims 48 and 58 have been amended to correct these typographical errors. In addition, all of the claims have been reviewed and amended where necessary to correct any additional typographical errors. No new matter has been added or entered by such changes as they are strictly formal in nature.

Recordation of the Substance of the Telephonic Interview:

In order to render this Amendment complete, the following is a recordation of the substance of the telephonic interview conducted with the Examiners on July 21, 2004:

- 1) No exhibits were shown, nor were any demonstrations conducted.
- 2) Primarily, independent Claims 45, 53, 57, and 62 were discussed.
- 3) Primarily, the prior art discussed was U.S. Patent 3,809,543 to Gaskell et al., U.S. Patent 5,446,008 to Krolla et al., U.S. Patent 5,070,045 to Comte et al., and U.S. Patent 4,835,121 to Shibuya et al.
- 4) Generally, Applicant's representative submitted, *inter alia*,

that the prior art discussed did not teach nor suggest a glass or glass ceramic composition containing platinum.

5) Generally no other pertinent matters were discussed.

6) The general outcome of the interview was a suggestion by the Examiners as to how the independent claims could be amended to place them in condition to receive favorable consideration and be allowed. Independent Claims 45, 53, 57, and 62 have been amended herein in accordance with the Examiners' suggestion.

Art Made of Record:

The prior art made of record and not applied has been carefully reviewed, and it is submitted that it does not, either taken singly or in any reasonable combination with the other prior art of record, defeat the patentability of the present invention or render the present invention obvious. Further, Applicants are in agreement with the Examiner that the prior art made of record and not applied does not appear to be material to the patentability of the claims currently pending in this application.

In view of the above, it is respectfully submitted that this application is in condition for allowance, and early action towards that end is respectfully requested.

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Summary and Conclusion:

It is submitted that Applicants have provided a new and unique FLAT FLOAT GLASS. It is submitted that the claims, as amended, are fully distinguishable from the prior art. Therefore, it is requested that a Notice of Allowance be issued at an early date.

If mailed, I, the person signing this certification below, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date indicated in the certification of mailing on the transmittal letter sent herewith, or if facsimile transmitted, I, the person signing this certification below, hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated in the

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Respectfully submitted,



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